

## Chapter 255

### Voters' and Campaign Pamphlets

#### GENERAL PROVISIONS

- 255.010 Definitions
- 255.020 "Portrait cut" defined

#### PRIMARY ELECTIONS PAMPHLETS

- 255.030 Filing of statements by and for candidate and by his adversary
- 255.040 Type of material to be excluded from pamphlet; liability for libel
- 255.050 Preparing, printing, binding, delivery and distribution of pamphlets
- 255.060 Delivery of pamphlets to political party members; specifications for pamphlet and authority for statements
- 255.070 Allotment of space in pamphlet and the cost to each candidate
- 255.080 Right of candidates for President and Vice President and electors opposing them, to space in pamphlets
- 255.090 Candidates for delegate and for presidential elector entitled to space in campaign pamphlet

#### GENERAL ELECTION PAMPHLET

- 255.210 Filing portrait cuts and statements for the pamphlet
- 255.220 Type of material to be excluded from pamphlet
- 255.230 Preparing, printing, delivery and distribution of pamphlets

- 255.240 Authority for statements in pamphlet
- 255.250 Allotment of space in pamphlet, charges and applicability of other sections
- 255.260 Space in pamphlet for presidential, vice presidential and other nominees; payment by other candidates not to count as campaign expense

#### PAMPHLETS FOR CITIES OF 10,000 OR MORE POPULATION

- 255.310 Allotment of space, printing and distribution of pamphlets in cities of 10,000 or more population

#### INITIATIVE AND REFERENDUM PAMPHLETS

- 255.410 Secretary of State to have initiative and referendum measures and arguments printed and distributed in pamphlet form
- 255.420 Filing arguments proposing or opposing initiative or referendum measures
- 255.430 Type of arguments to be excluded from pamphlet
- 255.440 Form and style of pamphlet
- 255.450 Payment of cost of pamphlet
- 255.460 Pamphlet to contain explanatory statement of measure proposed by initiative or referendum

#### PENALTIES

- 255.990 Penalties

#### CROSS REFERENCES

- Punishment for publication of anonymous or libelous matter relating to any election or candidate, 260 370
- Reservation to the people of the powers of initiative and referendum, Const Art IV, §§ 1 and 1a

#### INITIATIVE AND REFERENDUM PAMPHLETS

- Application of ORS 255 410 to 255 450
  - To cities, 254 130
  - To counties, 254 310
  - To laws governing stock running at large or local option, 254 170
  - To municipalities and districts, 254 340
- Estimated cost of measure involving expenditure of public money, imposing of tax or incurring any indebtedness to be printed in voters' pamphlet, 254 190, 254 200, exception, 254 180

Initiative, Ch 254

Referendum, Ch 254

Voters' pamphlets not necessary for elections held for purpose of incorporation of territory into cities, 222 260

#### 255.990

Election offenses and corrupt practices, Ch 260

Penalty for violation of 1907 c 226, of which ORS 255 410 to 255 450 were a part, 254 160(2), 254 990

Procedural statute applicable to ORS 255 990, 260 520



## GENERAL PROVISIONS

**255.010 Definitions.** The terms "candidate," "persons," "political agent," "political committee" and "public office," as used in ORS 255.020 to 255.070, 255.210 to 255.250 and 255.310, shall have the meanings provided in ORS 260.010, unless other meanings are clearly apparent from the language or context, or unless such meanings are inconsistent with the manifest intent of the law

**255.020 "Portrait cut" defined.** "Portrait cut" as used in ORS 255.030 to 255.050, 255.210 to 255.230, 255.250 and 255.310, means an engraving on a metallic plate securely affixed to a wood base, of a conventional photograph of a candidate's face, or face and bust, not over five years old. This excludes any cut which reproduces an informal snapshot, cartoon, caricature or similar representation

## PRIMARY ELECTIONS PAMPHLETS

*268 Pd 589* **255.030 Filing of statements by and for candidate and by his adversary.** (1) Any candidate, and unless he notifies the Secretary of State that he refuses them permission, the friends of any candidate for nomination to any state or district office, when the district is composed of one or more counties, may file with the Secretary of State, for publication as provided in ORS 255.030 to 255.070, not later than the seventieth day before the biennial primary election, with his portrait cut, if he wishes, printed or typewritten statements, on the conditions set forth in ORS 255.030 to 255.070, over his or their signatures, stating the reasons why he should be nominated

(2) Any persons opposing the nomination of any such candidate may, not later than the seventieth day before the nominating election, file with the Secretary of State their printed or typewritten statements over their signatures, of the reason why such candidate should not be nominated. Every such statement shall be accompanied by proof, by affidavit or sheriff's return, that they have caused to be served personally and in person, upon such candidate, a true copy of the statement.

(3) Each candidate shall be allowed one page of printed matter and those opposing him shall each be allowed one page of space on equal terms with him, as provided in ORS 255.030 to 255.070.

*268 Pd 589*  
**255.040 Type of material to be excluded from pamphlet; liability for libel.** (1) The Secretary of State shall reject any statement or other matter favoring or opposing any candidate and offered for filing and printing in the voters' pamphlet, which, in his opinion contains any obscene, vulgar, profane, scandalous, libelous or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of race, color, religion or manner of worship, or any language or matter the circulation of which through the mails is prohibited by Congress. Such statements shall not be filed or printed in the voters' pamphlet. Nor shall any candidate be entitled to display in the pamphlet any cut showing the uniform or insignia of any organization which advocates or teaches racial or religious intolerance.

(2) Within five days after such rejection the persons submitting such statement for filing may appeal to a board of review, consisting of the Governor, Attorney General and Superintendent of Public Instruction. The decision of such board shall be final upon the acceptance or rejection of the statement or matter thus in controversy. Nothing in this chapter shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the pamphlet. The persons procuring, making, composing or offering such statement for filing shall be deemed the authors and publishers thereof.

**255.050 Preparing, printing, binding, delivery and distribution of pamphlets.**

(1) Not later than the fifty-ninth day before the primary election, the Secretary of State shall hand to the State Printer a list of all candidates' names and the names of the offices for which they are competing, and all such statements and portrait cuts, properly compiled, edited, prepared and indexed for printing. However, such lists and statements shall pertain only to candidates whose names appear on the register of candidates kept by the Secretary of State, as provided by ORS 249.080.

(2) The State Printer shall print and bind this material in pamphlet form, printing the pictures of candidates with and as a part

of their statements, where such portrait cuts are offered. Statements of those who directly oppose any candidates shall follow next after his statement. All the statements filed for and against all the candidates for nomination to each office shall be printed in the order in which candidates' names are grouped under the title to their offices on the official ballot at the primary election.

268P2d  
589 (3) In preparing the pamphlets for printing the Secretary of State shall compile the copy for them in such form as to make it most convenient for the State Printer to print and bind under one cover, separately for each political party, the statements only of candidates to be voted for by members of that party for nomination in the same electoral district or division. For example, the statements and arguments of all candidates seeking republican votes in Multnomah County for nomination by the republican party to state and district offices, for a district comprising one county or more, shall be printed and bound under one cover, and the same with the democratic and any other party required to nominate its candidates at the primary election. The same method shall be applied in printing the pamphlets for all other counties and districts, but no pictures, statement or argument for or against any candidate for nomination shall be included in the copy of the pamphlet going to any county where such candidate is not to be voted for.

(4) The State Printer shall begin delivery of the pamphlets to the Secretary of State as quickly as possible and complete delivery not later than the twenty-fifth day before the primary election, printing and delivering first, so far as practicable, the pamphlets for the counties in the order of their distance from the state capital. At the time of delivering the copy to the State Printer the Secretary of State shall order the number of copies he estimates will be necessary for each county.

**255.060 Delivery of pamphlets to political party members; specifications for pamphlet and authority for statements.** (1) The county clerks shall obtain the postoffice address of each voter at the time he registers. At the end of each week during the period the books of registration are open for the registration of electors, prior to a primary or a general election, the county clerks shall prepare and transmit to the Secretary of State the name, postoffice address and party

registration of every voter registered during such period in their respective counties.

(2) At least 20 days before the regular biennial primary election the Secretary of State shall forward by mail to every voter who registered as a member of one of the political parties required to nominate their candidates at such primary election a copy of the pamphlet of his political party, containing the names and statements provided for in ORS 255 030 to 255.070.

(3) The pages of the pamphlets required by ORS 255 030 to 255 070, 255.210 to 255.250 and 255 310 shall be six by nine inches in size. The printed matter therein shall be set in eight point Roman face type, single leaded, and 25 ems pica in width, with proper heads. In the foot margin of every page of the party pamphlets for primary elections shall be shown the authority for the information therein as, "This information furnished by (name of candidate or name of his friends or opponents)," as the case may be.

**255.070 Allotment of space in pamphlet and the cost to each candidate.** Candidates for nomination shall pay for one page of space in the voters' pamphlet as follows:

(1) United States Senator, United States Representative in Congress, Governor, Secretary of State, State Treasurer, each \$100.

(2) Justice of the Supreme Court, Superintendent of Public Instruction, Attorney General, each \$75.

(3) Commissioner of Labor, circuit judge, district attorney, each \$50

(4) Senator or Representative in the Legislative Assembly, each \$10

(5) Any other office for a district consisting of one or more counties, or state office, each \$25.

Any candidate may have additional space at the rate of \$100 per page. No payment shall be received for less than a full page. Not more than three additional pages shall be allowed to any one candidate. All payments required by this section shall be made to the Secretary of State when the statement is offered to him for filing, and be paid by him into the General Fund in the State Treasury

**255.080 Right of candidates for President and Vice President and electors opposing them, to space in pamphlets.** Candidates for political party nominations for President and for Vice President of the United States, or the committee or organization which files a petition in behalf of any such candidate,

shall have the right to use not more than four pages of space in the official campaign pamphlet of their respective political parties. They shall pay the Secretary of State \$100 per page for each page used. Any qualified elector who is opposed to the nomination of a candidate of the political party to which he belongs, may have not exceeding four pages in the official pamphlet of his party in which he may set forth objections to such candidate. He shall pay for space therein at the same rate. "Political party" as used in this section has the meaning given that term in ORS 248.010.

**255.090 Candidates for delegate and for presidential elector entitled to space in campaign pamphlet.** Candidates for the office of delegate to a national convention and for nomination for the office of presidential elector shall have the right to use one page of space in the official primary election campaign pamphlet of their respective political parties which may be published and distributed prior to a primary election upon the payment to the Secretary of State of \$50 therefor. Any candidate may have not to exceed three additional pages of space in the pamphlet upon the payment of \$100 for each additional page used. "Political parties" as used in this section means those included in that term as defined by ORS 248.010.

**255.100 to 255.200** [Reserved for expansion]

#### GENERAL ELECTION PAMPHLET

**255.210 Filing portrait cuts and statements for the pamphlet.** Not later than the seventieth day before the regular biennial general election the state executive committee or managing officers of any political party or organization having nominated candidates, but no others except independent candidates, may file with the Secretary of State portrait cuts of its candidates and typewritten statements and arguments for the success of its principles and election of its candidates, and opposing or attacking the principles and candidates of all other parties. However, no portrait cut, statement or argument shall be filed in behalf of any candidate who is the sole nominee for any office.

**255.220 Type of material to be excluded from pamphlet.** (1) The Secretary of State shall reject any statement or other matter favoring or opposing any candidate and of-

ferred for filing and printing in the voters' pamphlet, which, in his opinion, contains any obscene, vulgar, profane, scandalous, libelous or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of race, color, religion or manner of worship, or any language or matter, the circulation of which through the mails is prohibited by Congress. Such statements shall not be filed or printed in the voters' pamphlet. Nor shall any candidate be entitled to display in the pamphlet any cut showing the uniform or insignia of any organization which advocates or teaches racial or religious intolerance.

(2) Within five days after such rejection the persons submitting such statement for filing may appeal to a board of review, consisting of the Governor, Attorney General and Superintendent of Public Instruction. The decision of such board shall be final upon the acceptance or rejection of the statement or matter thus in controversy.

**255.230 Preparing, printing, delivery and distribution of pamphlets.** (1) Not later than the fifty-ninth day before the general election the Secretary of State shall deliver to the State Printer, properly compiled and prepared for printing, a list of all candidates' names and the names of the offices for which such candidates are competing and the portrait cuts, statements and arguments. He shall deliver these with an order for the number of pamphlet copies of them necessary to supply one, at least, complete as to the candidates to be voted for in any county for which the same may be designed, for every registered voter within the state. Such lists, statements and arguments shall pertain only to candidates whose names appear on the Register of Nominations kept by the Secretary of State, as provided by ORS 249.080 and 249.810.

(2) The State Printer shall begin delivering the pamphlets to the Secretary of State as soon as possible and complete delivery within 35 days. The Secretary of State shall begin mailing the pamphlets to the voters of the state as soon as they are delivered to him and shall complete the mailing on or before the twentieth day before the general election.

**255.240 Authority for statements in pamphlet.** In the foot margin of every page of the pamphlet provided for the general election shall be shown the authority for the statements thereof, as "This information furnished by (title of committee or managing agent of the political party or name of the independent candidate)," as the case may be.

**255.250 Allotment of space in pamphlet, charges and applicability of other sections.**

(1) All the portrait cuts, statements and arguments of all the political parties and independent candidates shall be bound together in one pamphlet. No party shall have more than 24 pages, nor an independent candidate more than two pages therein. The political parties and independents shall pay to the Secretary of State for the public treasury for the pamphlets at the time of filing their copy with him, at the rate of \$50 for each printed page of space in the pamphlet used by such party or independent candidate. However, space devoted to candidates for the legislature, but no more than one page for any one candidate, shall be paid for at the rate of \$10 for each printed page of space. This space shall be in addition to the 24 pages allotted by this section to the political parties.

(2) The provisions of ORS 255 030 to 255 070 and 255 210 to 255 240 requiring estimates of the number of pamphlets for each county, limitations on the candidates' names, statements and pictures to be included in the pamphlets going to each county and the manner of distribution, shall apply in like manner to the pamphlets provided for by this section for the general election.

**255.260 Space in pamphlet for presidential, vice presidential and other nominees; payment by other candidates not to count as campaign expense.** Every person regularly nominated by a political party, as defined by ORS 248 010, for President or for Vice President of the United States, for Senator or Representative in Congress or for any other office to be voted for in the state at large, shall be entitled to use not to exceed four pages of space in the state campaign book provided for by ORS 255 250. In this space, a candidate, or his supporters with his written permission, filed with the Secretary of State, may set forth the reasons why he should be elected. No charge shall be made against candidates for President and for Vice President of the United States for this

printed space. The other candidates named in this section shall pay at the rate of \$100 per printed page for such space. This payment shall not be counted as a part of the 10 percent of one year's salary that each candidate is allowed to spend for campaign purposes.

**255.270 to 255.300** [Reserved for expansion]

### **PAMPHLETS FOR CITIES OF 10,000 OR MORE POPULATION**

**255.310 Allotment of space, printing and distribution of pamphlets in cities of 10,000 or more population.** (1) In cities of more than 10,000 population, any candidate for nomination or election to any elective municipal office may file with the city clerk, auditor or recorder, not later than the fifteenth day before the municipal primary election, a statement of the reasons why he should be nominated and elected, and portrait cut if he desires, on the conditions set forth by this section. Such candidate shall pay for these services at the rate of \$20 for each printed page of space. No payment shall be received for less than a full page. All payments made under this section shall be made to the city clerk, auditor or recorder at the time the statement is offered to him for filing, and shall be by him paid into the general fund in the city treasury.

(2) The city clerk, auditor or recorder shall properly compile, edit, prepare and index such statements and arguments for printing, and if there are any municipal measures to be voted upon at the ensuing municipal election he may bind in with the pamphlet a copy of each and of the arguments submitted on them in like manner as the Secretary of State is required to do in state elections. He shall have them printed in the same manner that other city printing is done, and have them all bound under one cover. At least eight days before the regular nominating election he shall forward a copy of the pamphlet with postage prepaid, to each voter in the city whose postoffice address he may have or can obtain from the city directory, registration books, or otherwise.

(3) The provisions of this section shall not apply to cities of less than 10,000 inhabitants, as shown by the census next preceding such municipal election. The provisions of this chapter for statements opposing can-

didates shall apply also to municipal elections, under this section, subject to the same rules of filing, payments, etc., required of candidates' statements by this section

**255.320 to 255.400** [Reserved for expansion]

### **INITIATIVE AND REFERENDUM PAMPHLETS**

**255.410 Secretary of State to have initiative and referendum measures and arguments printed and distributed in pamphlet form.** (1) Not later than the thirty-fifth day before any regular general election, nor later than 30 days before any special election, at which any proposed law, part of an Act or amendment to the Constitution is to be submitted to the people, the Secretary of State shall have printed in the voters' pamphlet a true copy of the title and text of each measure to be submitted, with the number and form in which the ballot title thereof will be printed on the official ballot, together with a descriptive summary of the measure, as provided in ORS 254 080.

(2) Not later than the fifteenth day before the regular general election at which such measures are to be voted upon, the Secretary of State shall transmit by mail, with postage fully prepaid, to every voter in the state whose address he may have, one copy of such pamphlet. However, if the secretary shall, at or about the same time, be mailing any other pamphlet to every voter, he may, if practicable, bind the matter provided for by ORS 255 410 to 255 450 in the first part of the pamphlet, numbering the pages of the entire pamphlet consecutively from one to the end, or he may inclose the pamphlets under one cover.

(3) In the case of a special election he shall mail the pamphlets to every voter not less than 10 days before the special election [Amended by 1953 c 359 §4]

**255.420 Filing arguments proposing or opposing initiative or referendum measures.** (1) The person, committee or organized officers of any organization filing any petition for the initiative, but no other person or organization, shall have the right to file with the Secretary of State for printing and distribution any argument advocating such measure. Such argument shall be filed not later than the ninetieth day before the regular election at which the measure is to be voted upon

(2) Any person, committee or organization may file with the Secretary of State, for printing and distribution, any arguments they may desire, opposing any measure, not later than the seventy-fifth day immediately preceding such election

(3) Arguments advocating or opposing any measure, referred to the people by the Legislative Assembly or by referendum petition, at a regular general election, shall be governed by the rules provided by subsections (1) and (2) of this section as to time, but may be filed with the Secretary of State by any person, committee or organization

(4) In the case of measures submitted at a special election, all arguments in support of such measures shall be filed at least 60 days before such election

**255.430 Type of arguments to be excluded from pamphlet.** (1) The Secretary of State shall reject any arguments or other matter favoring or opposing any measure and offered for filing and printing in the pamphlet, which, in his opinion, contains any obscene, vulgar, profane, scandalous, libelous or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of race, color, religion or manner of worship, or any language or matter, the circulation of which through the mails is prohibited by Congress. Such arguments shall not be filed or printed in the pamphlet.

(2) Within five days after such rejection the person, committee or organization submitting such argument for filing may appeal to a board of review, consisting of the Governor, Attorney General, and Superintendent of Public Instruction. The decision of such board shall be final upon the acceptance or rejection of the argument or any part thereof or matter thus in controversy

**255.440 Form and style of pamphlet.** (1) The Secretary of State shall cause one copy of each of the arguments to be bound in the pamphlet copy of the measures to be submitted. All such measures and arguments to be submitted at one election shall be bound together in a single pamphlet. All the printing shall be done by the state, and, subject to subsection (2) of ORS 255.410, the pages of the pamphlet shall be numbered consecutively from one to the end. The pages of the pamphlet shall be approximately six

by nine inches in size and the printed matter therein shall be set in six-point Roman-faced type on not to exceed seven-point body, in two columns of 13 ems in width each to the page with six-point dividing rule and with appropriate heads, except that the explanatory statement prepared pursuant to ORS 254.220 shall be set in eight-point Roman-faced type on not to exceed nine-point body, and the appropriate headings to such statement shall be set in 10-point bold-faced type. The paper for said pamphlet shall be a good quality of book paper, basis 25 by 38 inches, weighing not more than 50 pounds to the ream.

(2) The text of a proposed amendment to any section of the Constitution shall be printed in such pamphlet so as to indicate by the use of brackets the matter that would be deleted from the existing provision, and by italic type the matter that would be added thereto

(3) The title page of each argument shall show the measure it favors or opposes and by what persons or organizations it is issued. [Amended by 1953 c 359 §4; 1953 c.647 §2]

#### **255.450 Payment of cost of pamphlet.**

(1) In every case the person offering such arguments for printing and distribution shall pay to the Secretary of State sufficient money to pay all the expenses for paper and printing to supply one copy with every copy of the measure to be printed by the state. The Secretary of State shall immediately notify the persons offering the same of the amount of money necessary.

(2) When such arguments are printed the Secretary of State shall pay the State Printer therefor from the money deposited with him and refund the surplus, if any, to the parties who paid it to him. The cost of printing, binding and distributing the measures proposed and of binding and distributing the arguments, shall be paid by the state as a part of the state printing, it being intended that only the cost of paper and printing the arguments shall be paid by the parties presenting the same. They shall not be charged any higher rate for such work than is paid by the state for similar work and paper.

**255.460 Pamphlet to contain explanatory statement of measure proposed by initiative or referendum.** The Secretary of State shall have the statement provided for by ORS 254.220, in its final form, published following the ballot title, and immediately preceding any affirmative or negative arguments on the measure, in the voters' pamphlet provided for by ORS 255.410.

**255.470 to 255.980** [Reserved for expansion]

### **PENALTIES**

**255.990 Penalties.** Whoever violates any provision of ORS 255.030 to 255.070, 255.210 to 255.250 or 255.310, the punishment for which is not specially provided by law, shall on conviction thereof be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than \$5,000, or both.

### **CHAPTERS 256 AND 257**

[Reserved for expansion]